

ELECTION AND REMARKS

An election requirement was made to pending claims 1-44. The claims were placed into the following two groups: Group I (claims 1-18 and 33-44) drawn to methods of administering a pharmaceutical composition comprising a mixture of at least one Free-B-ring flavonoid and a least one flavan; and Group II (claims 19-32) drawn to a pharmaceutical composition comprising a mixture of at least one Free-B-ring flavonoid and a least one flavan.

The Examiner further identified the following patentably distinct species: A) Free-B-ring flavonoids; B) flavans; C) plant genus for isolation of Free-B-ring flavonoids and D) plant species for isolation of flavans. The Examiner has indicated that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species, which depend from or otherwise require all the limitations of an allowable generic claim.

In response to this restriction/election requirement Applicant hereby elects the claims of Group II (claims 19-32, as renumbered). Regarding the species Applicant elects the Free-B-ring flavonoid - baicalin and the flavan - catechin. Applicant further elects the genus of *Scutellaria* for isolation of the Free-B-ring flavonoid and the genus of *Acacia* for isolation of the flavan. More specifically, Applicant further elects the *Acacia* species of *Acacia catechu*.

Listing of claims (as renumbered) readable on the elected species

Claims 19-21, 24-25 and 29-32 read on all of the elected species.

Claim 22 reads on the elected species of baicalin and *Scutellaria*.

Claim 23 reads on the elected species of catechin and *Acacia catechu*.

Claims 26 and 27 read on the elected plant genus of *Scutellaria*.

Claim 28 reads on the elected flavan species *Acacia catechu*.

Claims 1-18 and 34-45 (as originally numbered), drawn to the non-elected invention have been canceled.

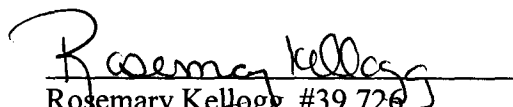
If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

Appl. No. 10/817,330
Amdt. dated November 1, 2006
Reply to Office Action of October 6, 2006

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date November 1, 2006


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